

Downtown Norfolk, VA Outdoor Dining Guidelines

Aesthetic and Spatial Guidance for Active and Vibrant Streets

July 2019

WPA
WORK PROGRAM ARCHITECTS

Downtown Norfolk Outdoor Dining Guidelines

July 2019

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Background, Purpose, and Application Procedure

Background:

The City of Norfolk is pleased to offer restaurants in Downtown the option of utilizing the public sidewalk as outdoor dining areas.

While the City encourages the use of outdoor dining arrangements, restaurant operators must be mindful of two important considerations: the safety and flow of pedestrian traffic, and the visual appropriateness within the Downtown Historic Overlay.

These Design Guidelines are intended to ensure that restaurants use the public right-of-way for outdoor dining in a way that is safe for all users of the public way and appropriate for the Downtown area of the city. The Guidelines are not intended to stifle creativity of design; however, public safety is of paramount concern.

Purpose:

These Guidelines provide standards for the use of outdoor dining areas in Downtown Norfolk to maintain a quality appearance in keeping with the goal of benefiting from the historic character of Downtown as the center of a vibrant and culturally-diverse 21st century city. For purposes of these Guidelines, Downtown includes all parts of the City encompassed by the Downtown Character District as found in *plaNorfolk2030*, the City's comprehensive plan.

The City of Norfolk permits outdoor dining through the granting of an "encroachment" authorized by Section 32-17 of the Code of the City of Norfolk. As per Section 32-70(a)(3) of the City Code, the design of each outdoor dining area must be reviewed by the City Architectural Review Board which will use these guidelines in addition to other information and the experience of the members in rendering a decision. Additionally, in some circumstances, the sale and/or consumption of alcoholic beverages in outdoor dining areas will require a Conditional Use Permit to be issued by City Council after receiving a recommendation from the City Planning Commission.

Central to the process of permitting outdoor dining along one of the nation's most historic streets is the necessity of ensuring that furniture and other items placed along the street will complement the overall character of the street and not detract from the district's architectural heritage. These Design Guidelines provide standards for the use of outdoor dining areas in order to enhance the historic character, visual quality and pedestrian safety of the area while contributing positively to the vibrancy of street life.

These guidelines apply to all outdoor dining areas in Downtown and require City approval. Failure to comply with these guidelines constitutes a violation of the City Code and may result in termination of the encroachment allowance by the City. Moreover, such failure may also serve as grounds for City Council to withdraw Conditional Use Permit approval, not only for the outdoor dining, but perhaps the entire restaurant operation.

Application Procedure and Approval:

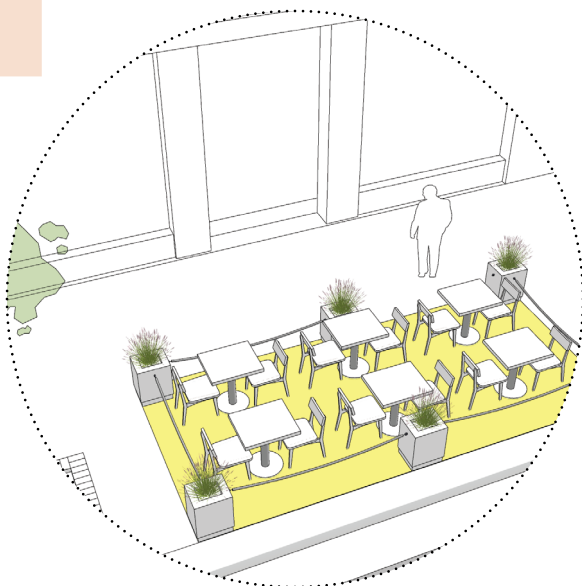
Contact the City of Norfolk's Department of City Planning (Telephone: 757-664-4752 | Email: planning@norfolk.gov) for guidance to navigate the various design and regulatory requirements needed to obtain a permit for your outdoor dining needs. Such matters to consider include, but are not limited to:

- Public Right-of-Way and Encroachment
- Architectural Review Board
- Downtown Norfolk Council and Downtown Norfolk Civic League
- Additional Parklet and Signage Guidelines
- Virginia Alcoholic Beverage Control Authority
- Virginia Construction Code and American National Standard Accessible and Usable Buildings and Facilities

Using the Outdoor Dining Guidelines

1

Identify the Outdoor Dining Configuration



2

Lay Out the Barrier



3

Select the Furniture and Fixtures



4

Add Lighting and Signage



Outdoor Dining Configuration

eating and drinking
non-alcoholic
beverages



ABC approved



Overview

Types of appropriate outdoor dining configurations are:

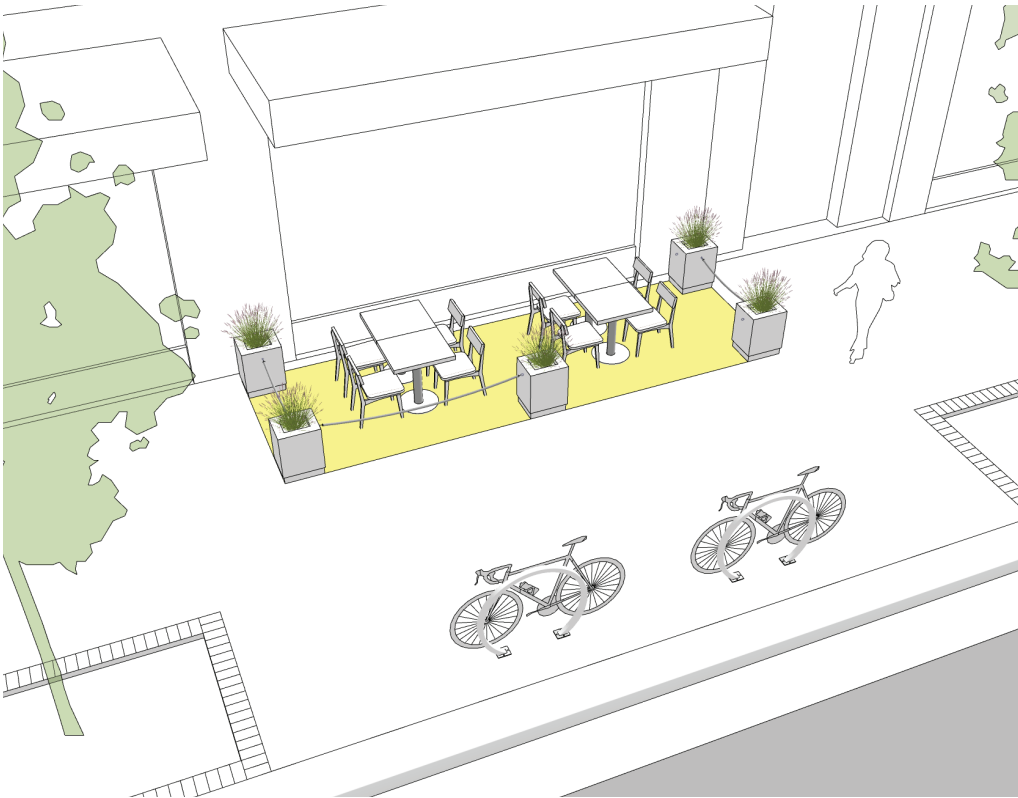
- Attached (Full)
- Attached (Half)
- Detached
- Non-Barrier
- Parklet

The appropriate configuration is determined by several factors, including sidewalk width, adjacent parking, proximity to tree wells, the amount of pedestrian activity, etc. The appropriate configuration will be determined on a case-by-case basis.



Attached (Full)

The Attached (Full) is the most common configuration. It is located immediately adjacent to the building and is surrounded by a barrier where necessary.



Outdoor Dining Configuration

eating and drinking
non-alcoholic
beverages

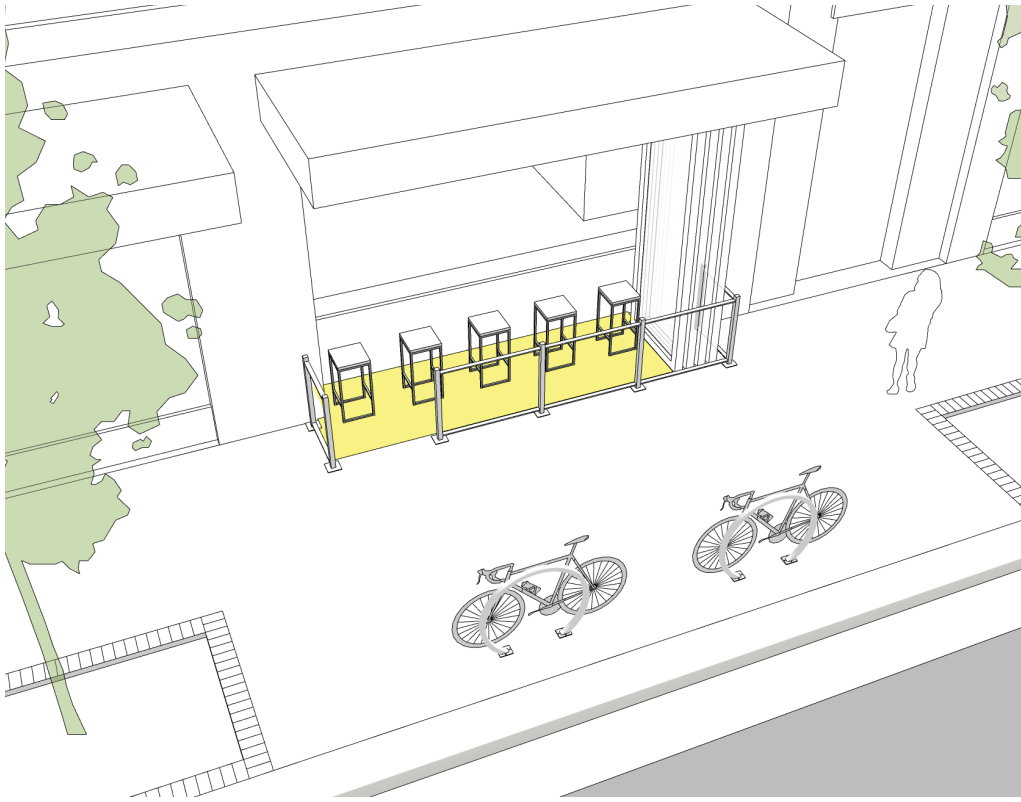


ABC approved



Attached (Half)

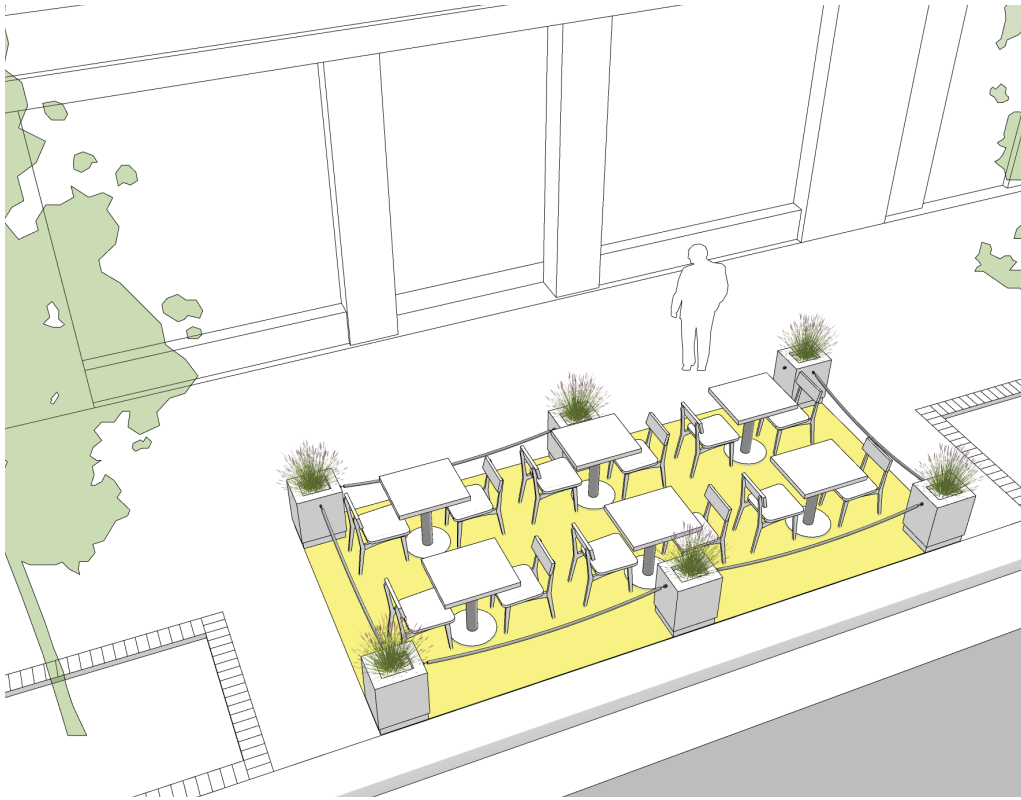
The Attached (Half) is utilized on narrower sidewalks. It uses a combination of indoor/outdoor space and is surrounded by a barrier where necessary.



Detached

The Detached configuration is positioned along the street and surrounded by a barrier where necessary. It is used as an alternative to the Attached (Full) configuration to reduce pedestrian obstructions.

The Detached configuration shall not be immediately adjacent or adjacent to ADA parking spaces or fire hydrants. The dining area shall not extend beyond the street side of the tree well.



Outdoor Dining Configuration

eating and drinking
non-alcoholic
beverages

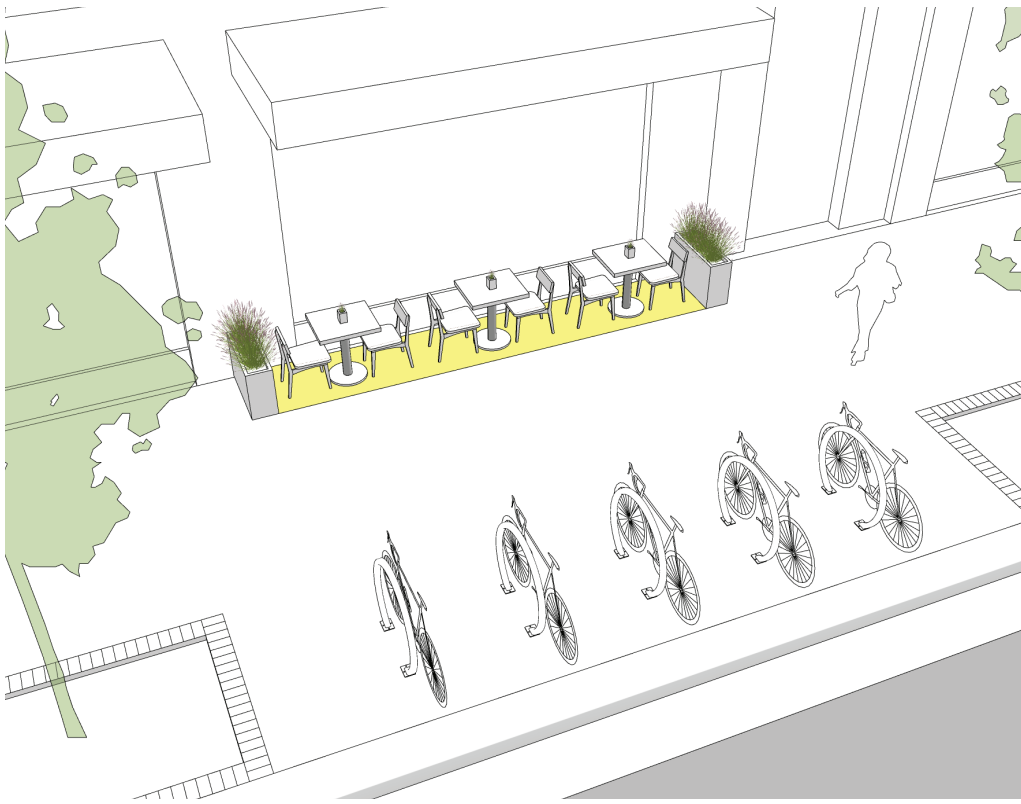


ABC approved



Non-Barrier

The Non-Barrier configuration is appropriate for outdoor dining areas that are small and where alcohol will **not** be served. They can be located against the building or along the street.



Parklet

The Parklet configuration is like the Detached configuration, but it uses a parklet extending into an adjoining parking space to increase the size of the dining area. See Parklet Guidelines for more information.



Outdoor Dining Configuration

Additional Considerations

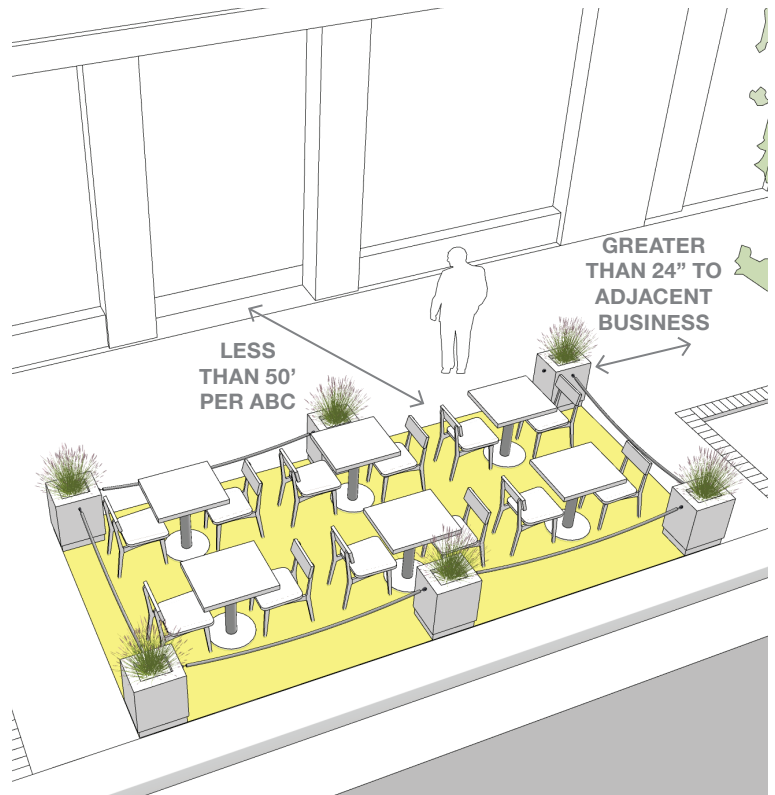
Circulation Room: All outdoor dining areas in Downtown must leave at least 5' (with 6" shy distance on each side | 6' total) of unobstructed pedestrian space (or a greater amount if deemed necessary by the City) to comply with ADA requirements and to provide sufficient pedestrian space for the expected volume of pedestrians using the sidewalk for mobility purposes. The required pedestrian space must be clear of obstructions caused by trees, tree wells, posts, hydrants, or any other infrastructure. In addition, no part of an outdoor dining area (including plants) may extend into the required unobstructed zone.

If a perimeter enclosure is used, adequate space must be provided within the enclosed outdoor dining area to permit movement of patrons and wait staff. Wait staff may not serve patrons from beyond the perimeter enclosure. In some conditions, the outdoor dining area may contain street poles and/or street trees. Such conditions will be reviewed on a case by case basis.

Enclosures and the arrangement of furniture and fixtures shall be designed to limit interactions between patrons and passers-by that are anything more than incidental. The floor of outdoor seating areas must be uncovered sidewalk as to provide continuity with the adjacent public right-of-way (does not apply to approved Parklet configurations).

Business Setback: Restaurants need to be mindful of adjoining businesses when using outdoor dining areas, making sure that neighboring businesses remain visible to pedestrians and motorists. If tall elements are used as part of the design, an applicant may be required to adjust the outdoor dining area's layout and/or distance from the adjoining property line (24" or more) to ensure that this visibility is maintained.

Alcoholic Beverage Control: Outdoor areas in which alcohol is served from a licensed facility do not have to be contiguous and/or attached to the restaurant or licensed facility. ABC expects them to be directly in front of or slightly to the left or right of the front of the establishment with no more than 50' separating the licensed establishment's door to the entrance of the outdoor dining area. A single point of entry is preferred.



Barriers

2

Overview: Dining area barriers (fences, gates, ropes, etc.) must be both visually appealing and functional. All barrier material must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint.

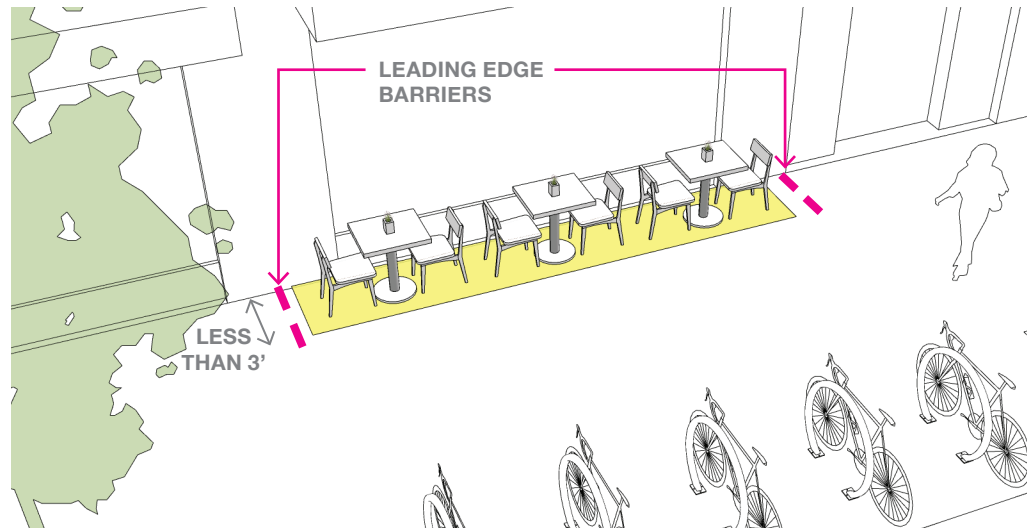
All barriers must be freestanding, without any permanent or temporary attachments to buildings, sidewalks, and other infrastructure.

The following guidelines apply to barriers used in outdoor dining:

Leading Edge Barriers

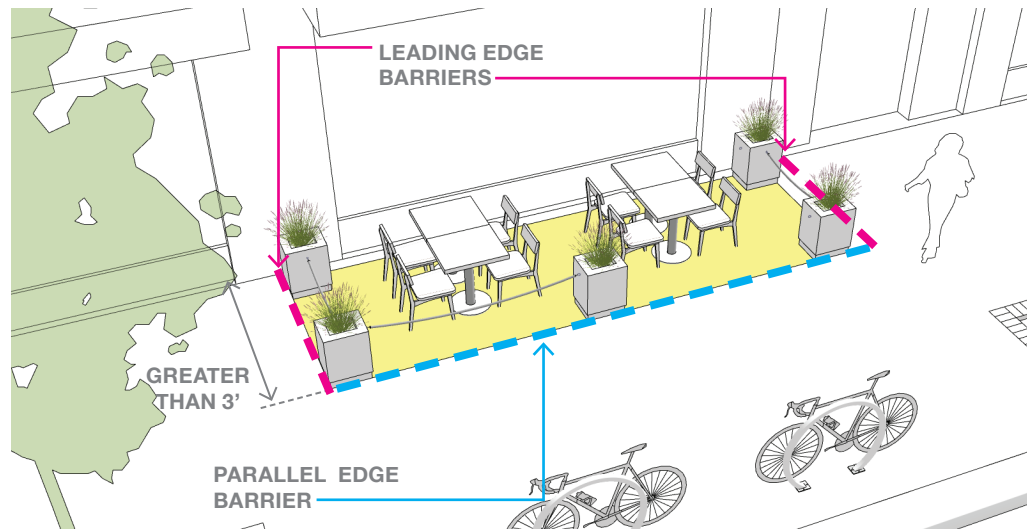
All outdoor dining areas must have a detectable barrier at the leading edges to ensure that visually impaired pedestrians using canes can detect the dining area safely.

Restaurants which do not serve alcohol and whose outdoor seating area extends less than 3' into the public right-of-way are not required to enclose the full perimeter of the seating area, but may do so on an optional basis. In all cases, obstructions of the traveled way must be detectable.



Perimeter Edge Barriers

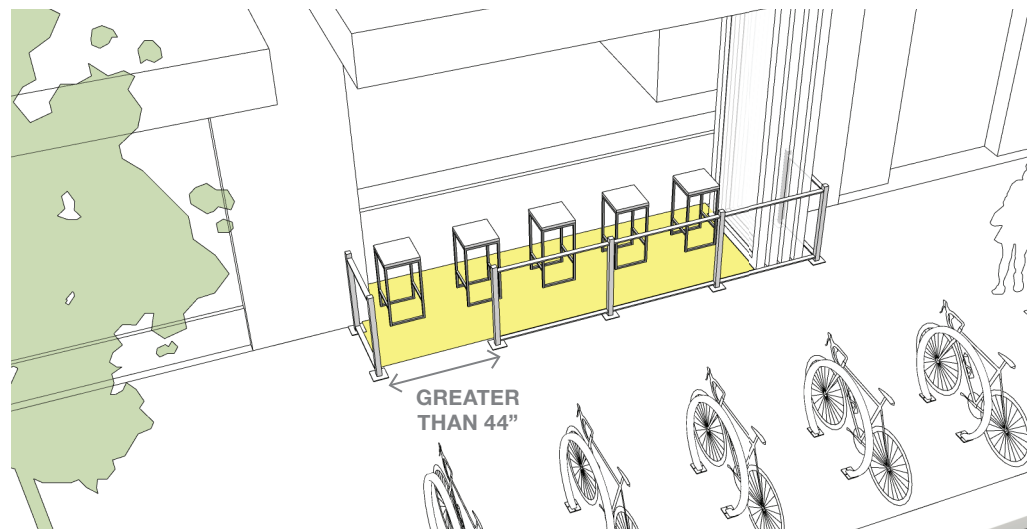
Outdoor dining areas that extend more than 3' into the public right-of-way must have a detectable barrier for the full perimeter, with the exception of access openings. The perimeter includes both the leading edge and parallel edge.



Access Opening

Width: Any access opening within the barrier must measure no less than 44" in width. A greater width, or more than one opening may be required by the Fire Marshall for dining areas that seat a large number of people or for other egress reasons.

Location: Any access opening(s) shall be placed in a location that will not create confusion for visually impaired pedestrians.



Barriers

2

Barrier Design and Measurements: A wide variety of styles and designs are permissible for outdoor dining area barriers.

Fences or other perimeter enclosures with a height of between 36" and 50" must be at least 50% open (see-through) in order to maintain visibility of street level activity. Any enclosure with a height over 50" must be at least 80% open (see-through).

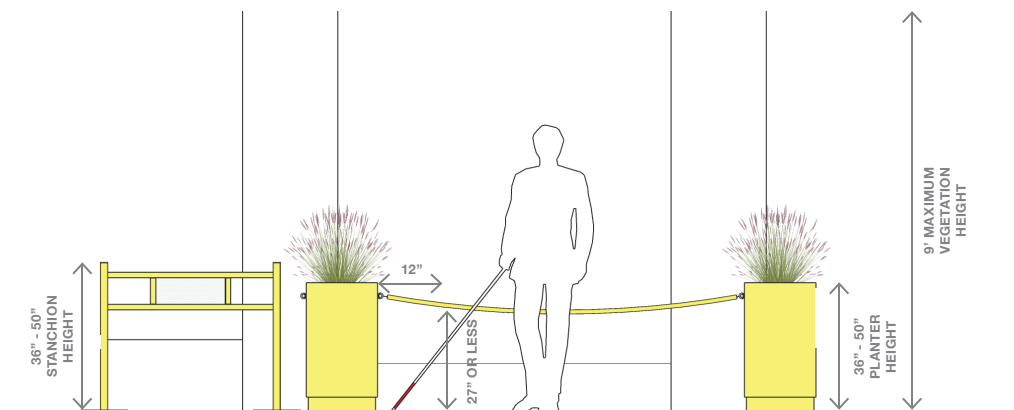
To ensure their effectiveness as pedestrian control devices and their detectability for persons with visual impairments, barriers must meet the following measurement guidelines:

Barrier Height

Height: Stanchions, end posts, and other corner supports must measure 36" - 50" in height. ARB approval is required for any component greater than 50" in height from the sidewalk surface.

Maximum Distance (from the ground):

All barriers must be detectable to visually impaired pedestrians who employ a cane for guidance; therefore, the bottom of barriers must be no greater than 27" above the sidewalk surface.

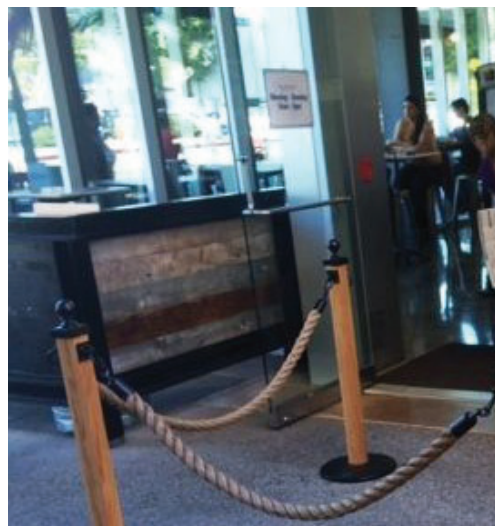


How to Measure Rope/Chain Distance from the Ground: In the case of a rope or chain enclosure, the rope or chain must not exceed 27" in height when measured 12" or more away from a vertical post (stanchion, bollard or other such support).

Rope or Chain Rails

Diameter: Rope or Chain Rails must have a diameter of at least 1" to maintain detectability by the visually impaired

Stanchion Base: If a stanchion or other vertical supporting device is attached to a base, that base must be flat, and must measure no more than 1/2" above the sidewalk surface. No domed stanchion bases are permitted, and they must not present a tripping hazard.



Sectional Fencing

Sectional fencing (generally defined as rigid fence segments that can be placed together to create a unified fencing appearance) is an acceptable solution for outdoor seating areas using barriers. Such fencing is portable, but cannot be easily shifted by patrons or pedestrians, as can less rigid forms of enclosures. Sectional fencing must be of metal (aluminum, steel, iron, or similar) or of wood construction and must be of a dark color (either painted or stained).



2

Barriers

Planters: Planters are a friendlier and more attractive way to delineate an outdoor dining area and may be used in addition to, or in place of, other barrier designs. In addition, planters may be used in situations where no barrier is required (for example, where the outdoor dining area does not extend more than 3' into the sidewalk) to provide added visual interest, and create a more attractive and welcoming atmosphere.

The following guidelines apply to planters (and plants) used in outdoor dining:

Planters

Planter Height: Must not exceed a height of 50" above the level of the sidewalk.

Plant Height: Must not exceed a height of 9' above the level of the sidewalk.

Material: All planters must have live plants contained within them. Plants shall be maintained in a healthy growing condition at all times, and replaced when necessary, or the planter removed from the public right-of-way. Seasonal, thematic planter displays are encouraged. Planters and material must be portable.

Prohibited: Artificial plants, empty planters, or planters with only bare dirt, mulch, straw, woodchips, or similar material are not permitted. Moreover, planters shall not be used as a cigarette butt container, and must be cleaned of all such items at least daily.

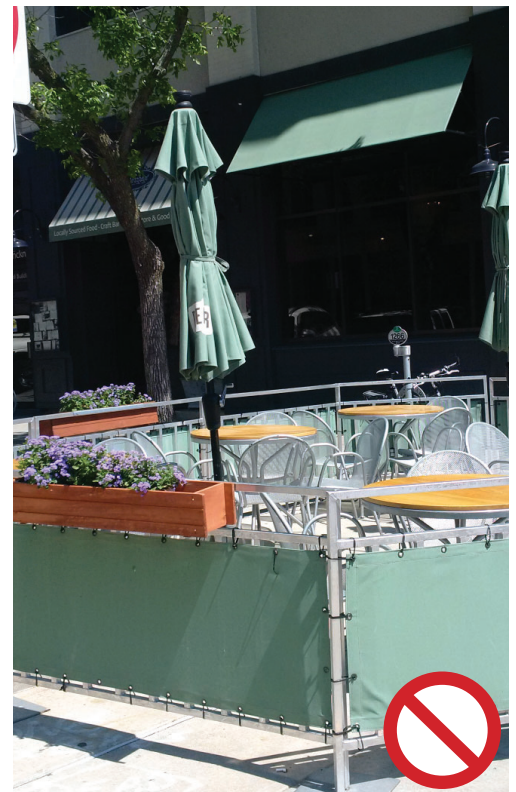


Prohibited

Fabric Inserts: Neither natural nor synthetic fabric of any size are permitted to be used as part of a barrier.

Chain-Link and Other Fencing: The use of chain-link, cyclone fencing, chicken wire, or similar materials is not permitted. Materials not specifically manufactured for fencing or pedestrian control (including, but not limited to, buckets, food containers, tires, tree stumps, vehicle parts, pallets, etc.) and not expressly permitted elsewhere in these guidelines are not permitted.

Signage or Wording: Barriers must not contain signage for the restaurant or for any other entity in the form of wording, logos, drawings, pictorial or photographic representations, or any other likewise identifying characteristic.



Furniture and Fixtures

3

Overview: Outdoor dining furniture becomes a prominent part of the streetscape when used in the front of buildings, and such furniture needs to uphold the high standards applied to buildings and other improvements.

A wide range of furniture styles, colors and materials are permitted. All furniture and fixtures must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint. All furniture and fixtures must be maintained in a clean condition at all times. All furniture and fixtures must be durable, sturdy, stable, and shall be weighted as to not to blow over with normal winds or sudden storm events such as summer thunderstorms (wind gusts of 60 miles per hour).

The following guidelines apply to furniture and fixtures used in outdoor dining:

Required

Freestanding: Furniture and fixtures must not be secured to trees, lamp posts, street signs, hydrants, or any other street infrastructure by means of ropes, chains, or any other such devices; whether during restaurant operating hours or at times when the restaurant is closed.

All-Weather: Furniture and fixtures used in outdoor dining must be specifically made for outdoor use.

Matching: All chairs used within an establishment's outdoor seating area should match each other by being of visually similar design, construction, and color.

Storage: All furniture and fixtures must be removed and stored inside when not in use for an extended period of time.



Prohibited

Furniture and Fixtures: Any furniture and fixtures other than tables, chairs, and umbrellas are prohibited. This includes, but is not limited to: serving stations, bar counters, shelves, racks, sofas, televisions, trash receptacles, and torches. Furniture that is lightweight and thus subject to being blown around during wind and sudden storm events is expressly prohibited; as such, most plastic furniture is unacceptable. Heaters and fans are not allowed, unless they are on private property.

Signage or Wording: Furniture and fixtures must not contain signage for the restaurant or for any other entity in the form of wording, logos, drawings, pictorial or photographic representations, or any other likewise identifying characteristic.



Furniture and Fixtures

3

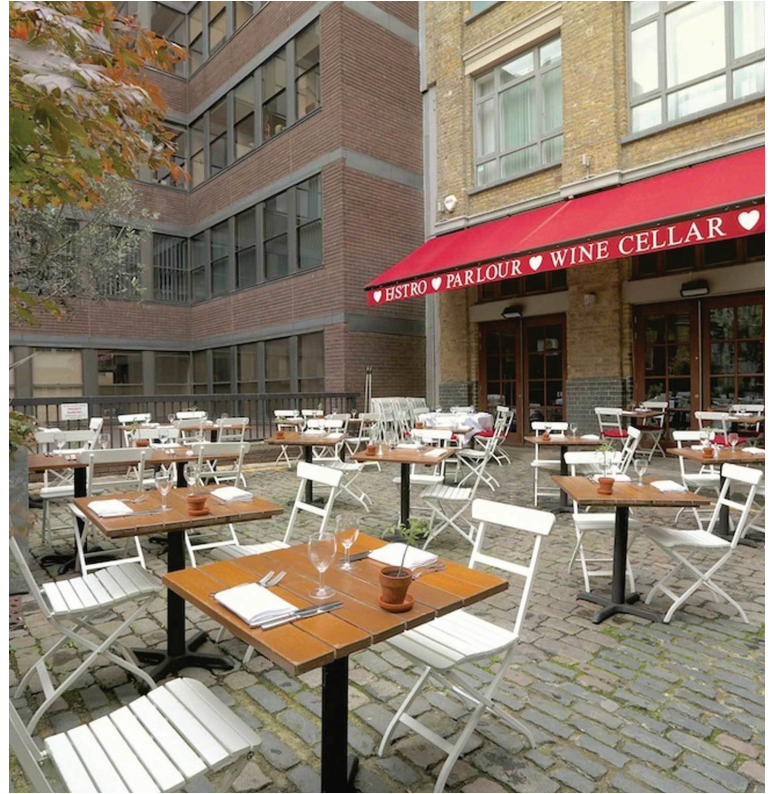
Plastic Tables and Chairs: Plastic tables and chairs are not permitted unless specifically approved by ARB.

Tables

Tables need to be functional, not only for patrons, but also for pedestrians, given the limited space available for outdoor dining on many sidewalks. Outdoor dining furniture must also contribute to the overall atmosphere of Downtown and, if applicable, to any historic or historic overlay district, and be complementary in both appearance and quality.

Colors: Tables may be painted, anodized, colored or of a natural unpainted material (e.g., all-weather wood, metal, wicker, etc.). Tables are not permitted to be white plastic. In general, fluorescent or other strikingly bright or vivid colors will not be approved unless part of a discernible theme other than simply to gain attention.

Size and Shape: The size and shape of tables strongly affects the functionality of an outdoor dining area. Due to many of the narrow sidewalks, restaurants should strive for space-efficient seating layouts and furniture configuration. Square or rectangular tables are strongly recommended as such tables may fit flush against a building's wall and can permit more usable surface area for patrons while at the same time leaving more space available for pedestrians.



Chairs

Chairs, like other outdoor dining elements, must contribute to the overall atmosphere of Downtown, and (if applicable) to any historic or historic overlay district, and must be complementary in both appearance and quality.

Colors: Chairs may be colored or of a natural unpainted material (e.g., all-weather metal, wood, wicker etc.). Chairs are not permitted to be white plastic. In general, fluorescent or other strikingly bright or vivid colors will not be approved unless part of a discernible theme other than simply to gain attention.

Upholstery: Upholstered chairs are permitted as are upholstered cushions for chairs. In general, fluorescent or other strikingly bright or vivid colors will not be approved unless part of a discernible theme other than simply to gain attention. Outdoor and water-resistant materials are required. Cushions must be attached in some manner to the chair itself.



Furniture and Fixtures

3

Shade Structures

Umbrellas can add a welcoming feel to outdoor dining areas, and provide shelter from the elements; making their use desirable for outdoor dining applications. Appropriately designed and sized umbrellas are permitted for use under this outdoor dining program. Pop-up tents and freestanding canopies are not permitted. All umbrellas must comply with the following conditions:

Contained Within The Outdoor Seating Area: To ensure effective pedestrian flow, all parts of any umbrella (including the fabric and supporting ribs) must be contained entirely within the outdoor seating area.

Height: The lowest dimension of an extended umbrella must be at least 7' above the sidewalk surface. In order to avoid causing an undue visual obstruction of other businesses, umbrellas must not exceed a height of 10' above the level of the sidewalk. These measurements must include not only the umbrella frame and panels, but also any decorative borders such as fringes, tassels, or other such ornamentation.

Colors: Umbrellas must blend appropriately with the surrounding built environment. Umbrellas must be of one solid color. In general, fluorescent or other strikingly bright or vivid colors will not be approved unless part of a discernible theme other than simply to gain attention. Singage and wording are not permitted.

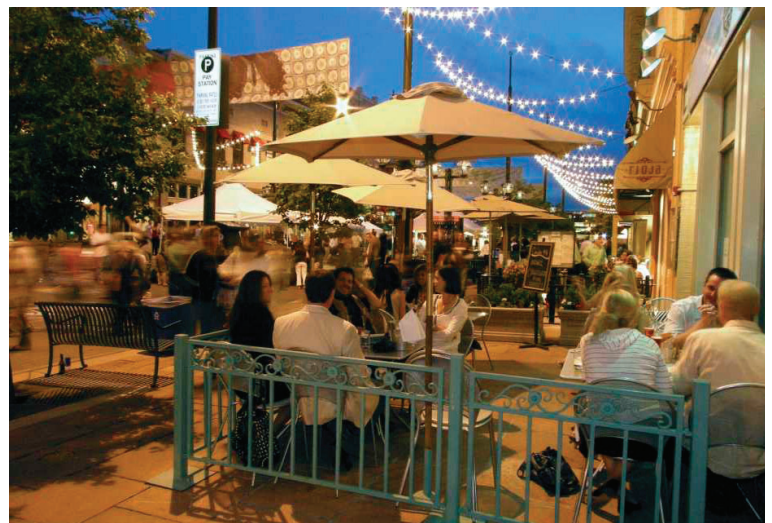
Size And Shape: The size and shape of an umbrella strongly affects its functionality within a constrained space such as an outdoor dining area. Due to the narrow measurements of most restaurants' outdoor dining areas, restaurants using umbrellas should strive for space-efficient umbrella designs.

Market-Style Umbrellas Preferred: Market-style umbrellas (those designed specifically for patio or outdoor dining use, and which vent breezes) are preferred.

Material: Umbrella fabric must be of a material suitable for outdoor use, and must be canvas-type. No plastic fabrics, plastic/vinyl-laminated fabrics, or any type of rigid materials are permitted for use as umbrellas within an outdoor dining area.

Removable: Umbrellas must be able to be removed each night or during strong storms and stored inside, for the safety of pedestrians and surrounding business.

Awnings: Are allowed; although they must be approved through ARB and require an Encroachment Permit.



Lighting and Signage

4

Overview: Signage is allowed within outside dining areas as an accent, and shall not overpower any adjacent site lighting and building lighting.

All lighting shall be durable, sturdy, stable, and weighted as to not to blow over with normal winds or sudden storm events such as summer thunderstorms (wind gusts of 60 miles per hour).

The following guidelines apply to lighting used in outdoor dining:

Lighting Required

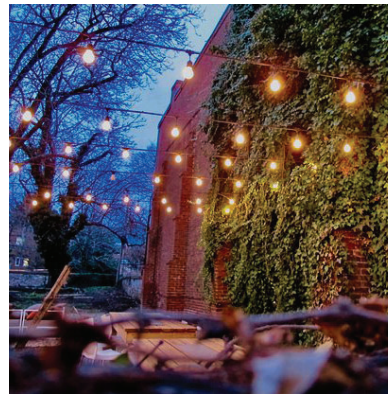
All-Weather: Lighting used within an outdoor dining area must be specifically made for outdoor use, and must have a hardwired electrical connection.

Matching: All lighting used within an outdoor dining area should match each other by being of visually similar design, construction, and color.

Height: The lowest dimension of lighting must be at least 7' above the sidewalk surface. In order to avoid causing an undue visual obstruction of other businesses, lighting must not exceed a height of 10'.

Color Temperature and Brightness of Lighting: Lighting must be of a color temperature between 2,500 Kelvin and 3,000 Kelvin; 2,700 Kelvin is ideal. All lighting must be dimmable, and must not overpower the public street lighting.

Maintenance: Lighting must be kept in proper working order at all times. Burnt out lighting must be replaced promptly (one working day).



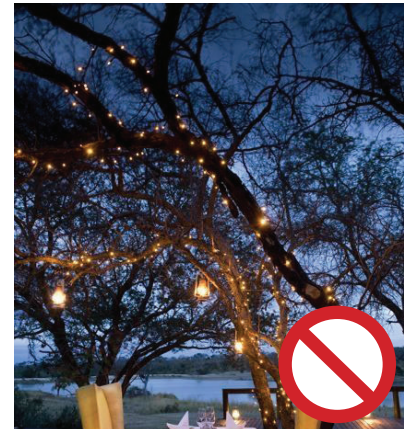
Lighting Prohibited

Light Source: The light must not contain any glare producing surfaces or inappropriate lighting (blinking, florescent, neon lights, etc).

Support: Lighting must not be secured to trees, lamp posts, street signs, hydrants, or any other street infrastructure by means of ropes, chains, or any other such devices.

Signage or Wording: Lighting must not contain signage for the restaurant or for any other entity in the form of wording, logos, drawings, pictorial or photographic representations, or any other likewise identifying characteristic.

Power Cords: Lighting must be hardwired in an electrical conduit. Power cords and similar methods of power are not allowed.



Lighting and Signage

4

Overview: Signage is permitted within outside dining areas only with a valid City of Norfolk permit. No extra or additional signage is permitted solely as a result of an establishment's participation in this outdoor dining program. In general, signage is limited to posting of menus.

All signage must be durable, sturdy, stable, and shall be weighted as to not to blow over with normal winds or sudden storm events such as summer thunderstorms (wind gusts of 60 miles per hour).

The following guidelines apply to signage used in outdoor dining:

Signage

Size: Width: 24"-34" (within range), Length: 36"-48" (within range, to include frame, sign face and any vertical supports), No more than one-third of the sign surface width can extend above the sign face.

Graphics: The sign must not consist of more than one-half lettered area. One-third of the sign face shall contain a visual or non-word design.

Location on the Sidewalk: The sign must be positioned to allow a minimum of 5' clear sidewalk area and not impede the main path of pedestrian travel. The sign must be placed within 18" of the curb or adjacent to the corresponding outdoor dining configuration. All applicable ADA standards must be met.

Materials: Exterior quality wood or metal (except as supplemented by material for changeable messages, see below). Changeable sign area must be screwed or bolted to the sign. The sign must not contain any glare producing surfaces or inappropriate lighting (blinking, florescent, neon lights, exposed power cords, etc).

Finish: Fully painted and/or sealed; color must be in keeping with the colors for the business establishment. In general, fluorescent or other strikingly bright or vivid colors will not be approved unless part of a discernible theme other than simply to gain attention.

Construction and Support: The name of the establishment must be professionally lettered on each sign face in a color and style consistent with the establishment's primary signage. No more than one-half of each sign face may be reserved for changeable messages. The material for changeable messages may be chalk board or 'wipe down' board. A-Frame signs shall only be permitted on the public sidewalk in front of the business. There shall be only one A-Frame sign per business. Handbills and/or similar paper attachments shall not be affixed to approved A-Frame signs.

Additional: Reference the City of Norfolk's Zoning Ordinance for the most current and complete list of applicable signage requirements.



Parklet Program

Overview of Parklets

Parklets can be a great solution for locations that do not have wide enough right-of-way areas immediately adjacent to the property. Parklets allow for locations to take advantage of the outdoors by creating dining areas along the street in rented parking spaces. Parklets must follow the same guidelines detailed for other configurations plus additional guidelines established by the City of Norfolk to ensure safety.

If you are contemplating a parklet, below are key points to consider:

Public Use: Parklets are intended to provide public space to residents and visitors in the public right-of-way. As such, a restaurant can operate a parklet for dining purposes; however, the public must be allowed to freely enjoy the parklet at all times.

Design: Design shall reflect the cultural and aesthetic values of the downtown community. The proposed site must be at least one parking space or 20' from an intersection or corner. The parklet must be built according to Americans with Disabilities Act Accessibility Guidelines to the extent that such guidelines apply.

Operation: A parklet shall only remain in place for the eligible duration of the year (April through January). Parklets must be able to be removed in one day (to accommodate parades, emergency public needs, etc). The area no longer accessible by street sweepers must be kept clear of debris from the gutter channel to maintain proper stormwater drainage.

Fees and Insurance: The parklet owner shall pay a yearly permit fee, and shall compensate the city for the loss of metered parking revenue. The parklet owner shall also provide proof of general liability insurance for the parklet.

Procedure: Contact the City of Norfolk's Department of City Planning for a full list of requirements and applications need to obtain approval for a parklet.

